




Speech By
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MEMBER FOR MIRANI

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**CRIMINAL CODE (CHILD SEXUAL OFFENCES REFORM) AND OTHER
LEGISLATION AMENDMENT BILL**

 **Mr ANDREW** (Mirani—PHON) (3.03 pm): I rise to speak on the government's Criminal Code (Child Sexual Offences Reform) and Other Legislation Amendment Bill 2019. I wish to make it absolutely clear that just because I would like to point out certain human rights and the dangerous precedent-setting implications of this bill does not mean that I do not believe that child sexual abuse is one of the most horrible of all crimes, and nor do I wish to mitigate in any way past errors of any church on this issue that caused so much harm to so many innocent people.

Nonetheless I have decided to use my time today to give a voice to the very large section of our community who are extremely worried about the provisions in this bill as well as many secular professions who see the precedent being laid down here as a very real danger to their own areas of work. For the record, I am not a Catholic myself but there are many in the electorate of Mirani who are, just as I am sure there are many in the electorate of the other members who will be speaking on this bill today. I wish to speak to this bill not to support child abusers, not to support any church or not even as a religious person, but simply to give a voice to some of the concerns I have heard from the ordinary Queenslanders who I believe do have a right to be heard today.

The problem with a bill like this one is that child abuse is so repulsive and abhorrent to every civilised human being that it is now the No. 1 trigger issue of our age. That can be a good thing if it means that we redouble our efforts to abolish it or punish its perpetrators more harshly. The problem here is that an important principle of our democratic common law heritage will be impacted by the bill's provision. Many people in the community have raised an extraordinary restriction it will place on the freedom of religion in Queensland and the unintended consequences such a precedent will set for laws that exempt a number of other secular professions from reporting crimes. For example, if priests must break the confessional seal, surely lawyers must report evidence strongly indicating their client has abused a child. This is a direct threat to the cornerstone principle of legal privilege regardless of any protest from the government to the contrary.

The bill's provisions will inevitably be expanded in time to include all other crimes confessed to in the confessional such as murder, rape and corruption. If we accept the logic of the argument on this one abhorrent crime we must accept it for all others. The same goes for other professions that may be privy to confidential knowledge such as doctors, lawyers, psychologists and journalists. Any anti-discrimination lawyer in the country will now be able to legitimately argue why these other professions should have the right to protect their sources when they in effect serve to protect criminals.

At stake here is not just freedom of religion but all rights to legal privilege, freedom of the press and confidentiality provisions of any and all kinds no matter our past cornerstone principles. Such power will be paramount over all other democratic principles in our society and there will be no getting them back. This is a real threat and a danger posed by this bill. Removing the privilege associated with religious confession will therefore set a dangerous precedent which may be relied on in the future to remove or restrict other forms of professional privilege including client legal privilege. The church, which

is in disgrace after recent scandals and revelations, is the wedge that executive government is using to enact this dangerous precedent. Make no mistake though: other professions will eventually be made subject to the precedent set here today.

Finally, I would like to say that the bill also poses a real danger for public trust and cohesion in our community. Many priests, including bishops, have publicly stated that they will go to jail before obeying these laws and our judges will be required to send them there. How confident can the people of Queensland be that they live in a free and open democracy governed by the rule of law where the state jails its bishops?